

RECEIVED**AUG 16 2022**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

Oxford Division

3:22cv171-MPM-JMV

Case No.

(to be filled in by the Clerk's Office)

Marvin Foster

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Rite-Hite Products Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Marvin Foster</u>
Street Address	<u>P.O.Box 3874</u>
City and County	<u>Memphis Shelby</u>
State and Zip Code	<u>Tennessee 38173</u>
Telephone Number	<u>901 315-9190</u>
E-mail Address	<u>Marvinfoster714@yahoo.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name	Rite Hite Products Corporation
Job or Title <i>(if known)</i>	
Street Address	601 Expressyway Dr
City and County	Horn Lake Desoto
State and Zip Code	Mississippi 38637
Telephone Number	(662) 393 9897
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Rite Hite Products Corporation
Street Address	601 Expressyway Dr
City and County	Horn Lake Desoto
State and Zip Code	Mississippi 38637
Telephone Number	662) 393 9897

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

- ☐ Relevant state law (specify, if known):

- ☐ Relevant city or county law (specify, if known):

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
April 8, 2021 (terminated)

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race _____
- ☐ color _____
- ☐ gender/sex _____
- ☐ religion _____
- ☐ national origin _____
- ☒ age (year of birth) 58, 714-1964 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* mr _____

E. The facts of my case are as follows. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

I have attached 4 pages of facts: 4 A; 4 B; 4 C; 4D + EXHIBIT 1, 2, 3, 4, + 5

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

9/16/2021

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date) June 16, 2022 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

\$300,000 in compensatory damages for emotional and mental distress;

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

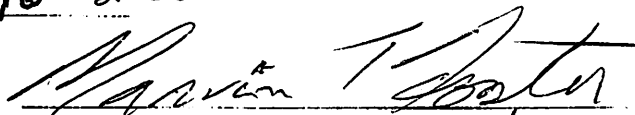
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8-16-2022

Signature of Plaintiff

Printed Name of Plaintiff


Marvin T. Foster

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

- a. I was hired by the Defendant on or around July 2018 as a welder 3.
- b. I was promoted to Quality Auditor in February 2019.
- c. I was promoted to production trainer on April 1, 2021.
- d. On April 8, 2021, I was terminated wrongfully by Mr. Darrell Jackson, Human Resources Manager.
- e. Mr. Darrell Jackson, Human Resources Manager informed me that I was terminated because of my performance, insubordination harassment and standard of conduct.
- f. The reasons provided to me by Mr. Jackson was false because I was not insubordinate, my performance was good.
- g. The reasons provided to me by Mr. Jackson was false because I did not engage in harassment nor violated any standards of conduct.
- h. I was terminated in retaliation for reporting the harassment I endured repeatedly over a 20 moth period from Supervisors and from other employees.
- i. I was terminated in retaliation for reporting unsafe maintenance reports.
- j. I witnessed supervisors cursing employees.
- k. Employees lied and said I made derogatory statements about other employees none of which is true.
- l. These false statements were made in retaliation to me for doing my job as a quality auditor.
- m. As a Quality Auditor I implemented proper procedure and specifications by team leads and supervisors and some regular line employees.
- n. The maintenance team by passed safeties on machines.
- o. I was called old man and cussed at for simply doing my job as a quality auditor.

- p. Production supervisor James Fergusson yelled and cussed me after I informed him of improper practice several times.
- q. Supervisor Eric Evans curse me out on more than one occasion on the floor in front of employees.
- r. Supervisor Alex from maintenance welding robots cursed technician curse me out more than once and was reported.
- s. I was cursed out repeatedly by so many employees it was unreal and unbelievable.
- t. When I reported this to Mr. Darrell Jackson repeatedly, "I was told I had to have thick skin and just walk away" which is what I was doing.
- u. I told Mr. Jackson if the harassment did not stop, I would file an EEOC case against the company.
- v. I was soon made to look as if I was the problem and put on performance improvement plan.
- w. I trained production line employees and was not compensated.
- x. Because the quality manager Jackie Dunson would not terminate me Mr. Jackson put my name on the list for production trainer position.
- y. This was a position I was reluctant to take but I accepted the position anyway.
- z. I told Mr. Jackson that I would work as a production trainer until my retirement at 62.
- aa. Mr. Jackson hired his friend Dr. Jada Meeks to oversee the production training department.
- bb. Miss Meeks had no manufacturing experience.
- cc. My job was to teach miss Meeks how the process worked and right-out training program packages.

- dd. When I try to explain to Dr. Meeks how the process worked, she would become frustrated because she did not understand the process and become argumentative.
- ee. Little did I know that Dr. Meeks was brought in to get me to do the production training block for first fixture and then terminate me after obtaining this information.
- ff. I say this because I did everything Dr. Meeks asked me to do.
- gg. I was terminated before I had a chance to turn in my finished training package. I was only in the department for about two weeks before my termination.
- hh. I did not violate any company policies. Nor did I violate the chain of command that for talking with Dr. Meeks's supervisor Mr. Darrell Jackson and the VP Mr. Patrick Ginn when Dr. Meeks did not understand what I was explaining to her.
- ii. What the management team at Rite Hite did to me was pretext at its finest.
- jj. Mr. Darrell Jackson hired me in for 30 plus years' experience as a fitter fabricator.
- kk. I use my experience to write most of the work instructions for the production fabrication lines training manuals, organize the material review board, and trained production line employees without being compensated for training them.
- ll. To add insult to injury was hired to do a production training job and told that I was not qualified to do the work after doing it for free.
- mm. I train most of their new younger critical production welding employees. After doing all of this I was terminate it under false pretenses.
- nn. I have proof Mr. Jackson was informed about my harassment.
- oo. I also have proved that Mr. Jackson lied about more than one thing concerning this matter.
- pp. I have severe migraine headaches from dealing with this issue.

- qq. Defamation of my character of this kind will not be tolerated by me.
- rr. I am a college welding instructor with 30 plus years' experience as a fitter fabricator.
- ss. I am a sole proprietor of an entertainment company.
- tt. I am member of ASCAP and run my own independent welding company. false allegations of this nature are bad for business and again will not be tolerated.
- uu. I have a list of witnesses that witnessed some of the incidents at Rite-Hite.
- vv. I ask for all compensatory, punitive, pain and suffering damages, backpay, and lost benefits in this case.
- ww. I have Indeed reviews from other employees that back what I am asserting.
- xx. I have documents that prove I was cursed and tape recordings of a supervisor Mr. Eric Evans cursing me out.